

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04054

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special
2 Permit No. 04054 for authority to develop Hartland Homes Southwest 1st Addition Community Unit
3 Plan consisting of 382 single family dwelling units, together with requested waivers to reduce the
4 required lot area and average lot width, to waive the block length for Block 11, and to waive the
5 preliminary plat process, on property generally located southwest of the intersection of West A
6 Street and S.W. 27th Street, and legally described to wit:

7 Lots 54 and 68 I.T., in the Northeast Quarter of Section 32,
8 Township 10 North, Range 6 East of the 6th P.M., Lancaster County,
9 Nebraska;

10 WHEREAS, the real property adjacent to the area included within the site plan for this
11 community unit plan will not be adversely affected; and

12 WHEREAS, said site plan together with the terms and conditions hereinafter set forth are
13 consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code (LMC) to promote
14 the public health, safety, and general welfare.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
16 Nebraska:

17 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to
18 develop Hartland Homes Southwest 1st Addition Community Unit Plan consisting of 382 dwelling
19 units, together with requested waivers to reduce the required lot area and average lot width, to
20 waive the block length for Block 11, and to waive the preliminary plat process, on the property
21 legally described above, be and the same is hereby granted under the provisions of Section
22 27.63.320 and Chapter 27.65 of the LMC upon condition that construction and operation of said

community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 382 dwelling units.

2. The following variances to the City of Lincoln Land Subdivision Ordinance are hereby approved:

a. The requirement of § 26.23.130(a) of the Lincoln Municipal Code (LMC) that block length not exceed 1320 feet between cross streets is waived for Block 11.

b. The requirement of Section 26.23.140(a) of the LMC that minimum lot width and area requirements shall conform to the zoning ordinance is waived to allow lots with less than the minimum required lot width and to allow lots with less than the minimum required lot area.

c. The requirement of Section 26.11.020 of the LMC that the special permit accompany the filing of a preliminary plat and that a preliminary plat be required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

3. Before the approval of a final plat, the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. The Permittee agrees:

a. To complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

- 1 b. To complete the installation of sidewalks along both sides of the streets and along
2 West "A" St. and S.W. 27th St. as shown on the final plat within four (4) years
3 following the approval of the final plat.
- 4 c. To complete the public water distribution system to serve this plat within two (2)
5 years following the approval of the final plat.
- 6 d. To complete the public wastewater collection system to serve this plat within two (2)
7 years following the approval of the final plat.
- 8
- 9 e. To complete the enclosed public drainage facilities shown on the approved drainage
10 study to serve this plat within two (2) years following the approval of the final plat.
- 11 f. To complete land preparation including storm water detention/retention facilities and
12 open drainageway improvements to serve this plat prior to the installation of utilities
13 and improvements but not more than two (2) years following the approval of the
14 final plat
- 15 g. To complete the installation of public street lights along streets within this plat within
16 two (2) years following the approval of the final plat.
- 17 h. To complete the planting of the street trees along streets within this plat within four
18 (4) years following the approval of the final plat.
- 19 i. To complete the planting of the landscape screen within this plat within two (2)
20 years following the approval of the final plat.
- 21 j. To complete the installation of the street name signs within two (2) years following
22 the approval of the final plat.
- 23 k. To timely complete any other public or private improvement or facility required by
24 Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which
25 would not have been waived but which inadvertently may have been omitted from
26 the above list of required improvements.
- 27 l. To submit to the Director of Public Works a plan showing proposed measures to
28 control sedimentation and erosion and the proposed method to temporarily stabilize
29 all graded land for approval.
- 30 m. To complete the public and private improvements shown on the Community Unit
31 Plan.
- 32 n. To retain ownership of or the right of entry to the outlots in order to maintain the
33 outlots and private improvements on a permanent and continuous basis. However,
34 the subdivider may be relieved and discharged of this maintenance obligation upon
35 creating, in writing, a permanent and continuous association of property owners who
36 would be responsible for said permanent and continuous maintenance. The
37 subdivider shall not be relieved of such maintenance obligation until the private
38 improvements have been satisfactorily installed and the documents creating the
39 association have been reviewed and approved by the City Attorney and filed of
40 record with the Register of Deeds.

- o. To continuously and regularly maintain the landscape screens.
 - p. To submit to the lot buyers and home builders a copy of the soil analysis.
 - q. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - r. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Permittee.
 - s. To relinquish the right of direct vehicular access to West "A" St. except at S.W. 30th St.
 - t. To inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.
5. Before receiving building permits
- a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
 - d. The Permittee must grant an avigation and noise easement to the Lincoln Airport Authority on all or that prt of the land located within the Airport Environs Noise District.
6. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
7. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, successors, and assigns. The building official shall report violations

1 to the City Council which may revoke the special permit or take such other action as may be
2 necessary to gain compliance.

3 10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk
4 within 30 days following approval of the special permit, provided, however, said 30-day period may
5 be extended up to six months by administrative amendment. The City Clerk shall file a copy of the
6 resolution approving the special permit and the letter of acceptance with the Register of Deeds,
7 filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor